

**IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

JOHN BRUNIOUS,

Plaintiff,

V.

CITY OF CHICAGO DETECTIVE K. SCHMIDT, STAR NO. 21831, CITY OF CHICAGO OFFICERS J. BECKER, STAR NO. 10523, and S. MARKHAM, STAR NO. 19054, UNKNOWN AND UNNAMED CITY OF CHICAGO POLICE OFFICERS, and THE CITY OF CHICAGO,

Defendants.

Case No.:

# COMPLAINT FOR VIOLATION OF CIVIL RIGHTS

## JURY DEMANDED

## **JURISDICTION AND VENUE**

1. This action arises under the United States Constitution and the Civil Rights Act of 1871 (42 U.S.C. Section 1983). This court has jurisdiction under and by virtue of 28 U.S.C. Sections 1343, 1331 and 1367.

2. Venue is founded in this judicial court upon 28 U.S.C. Section 1391 as the acts complained of arose in this district.

**PARTIES**

3. At all times herein mentioned, Plaintiff JOHN BRUNIOUS, (“Plaintiff”) was and is a citizen of the United States and was within the jurisdiction of this court.

4. At all times herein mentioned, Defendant City of Chicago Police Detective K. SCHMIDT, Star Number 21831; City Of Chicago Officers J. BECKER, Star Number 10523; and S. MARKHAM, Star Number 19054, collectively “individual defendants” or “police defendants” and unknown and unnamed officers were employed by the City of Chicago Police Department and were

acting under color of state law and as the employee, agent, or representative of the City of Chicago Police Department. These Defendants are being sued in their individual capacities.

5. At all times herein mentioned, the CITY OF CHICAGO was a political division of the State of Illinois, existing as such under the laws of the State of Illinois. At all relevant times, the CITY OF CHICAGO maintained, managed, and/or operated the CITY OF CHICAGO Police Department.

### **FACTUAL ALLEGATIONS**

6. On or about January 8, 2019 in Chicago there was a burglary.
7. Subsequently, defendants and each of them looked at video of the burglary.
8. The suspect was described as a white Hispanic. Plaintiff is African-American.
9. Nobody could positively identify the Plaintiff as the suspect. At the time of the crime, Plaintiff was home on electronic monitoring.
10. Defendants Becker and Markham wrongly and falsely purported to identify Plaintiff as the suspect.
11. Subsequently, Defendant Schmidt wrongly and falsely purported to identify Plaintiff as the suspect.
12. On February 24, 2019, Defendants Becker and Markham walked into the Plaintiff's kitchen and arrested him without legal cause.
13. Plaintiff was not read his Miranda Rights when he was arrested.
14. On that day, Defendant Schmidt contacted the Cook County Electronic Monitoring Unit, who verified the Plaintiff was on Electronic Monitoring and at home at the time of the burglary.
15. Notwithstanding the lack of probable cause for Plaintiff's arrest and the fact that the Defendants knew that Plaintiff had been home on EM at the date and time of the burglary, Defendants proceeded to cause Plaintiff to be charged with jailed for a felony burglary.

16. The victim of the crime never independently identified the Plaintiff as the person who committed the burglary

17. There was no probable or other legal cause for Plaintiff's arrest.

18. Plaintiff remained in jail for roughly 81 days.

19. All criminal charges against Plaintiff were dismissed on or about May 15, 2019 in Plaintiff's favor in a manner indicative of innocence.

20. Plaintiff was deprived of his liberty for roughly three months as a result of the acts of the Defendants.

21. By reason of the above-described acts and omissions of Defendants, Plaintiff sustained injuries, including but not limited to, loss special damages, humiliation and indignities, and suffered great mental and emotional pain and suffering all to his damage in an amount to be ascertained.

22. The aforementioned acts of Defendants were willful, wanton, malicious, oppressive and done with reckless indifference to and/or callous disregard for Plaintiff's rights and justify the awarding of exemplary and punitive damages in an amount to be ascertained according to proof at the time of trial.

23. By reason of the above-described acts and omissions of Defendants, Plaintiff was required to retain an attorney to institute, prosecute and render legal assistance to him in the within action so that he might vindicate the loss and impairment of his rights. By reason thereof, Plaintiff requests payment by Defendants of a reasonable sum for attorney's fees pursuant to 42 U.S.C. Section 1988, the Equal Access to Justice Act or any other provision set by law.

**COUNT I**  
**PLAINTIFF AGAINST DETECTIVE SCHMIDT, OFFICER BECKER, OFFICER**  
**MARKHAM AND UNKNOWN DEFENDANTS, FOR FOURTH AND/OR FOURTEENTH**  
**AMENDMENT RIGHTS VIOLATIONS THROUGH UNLAWFUL DETENTION**

24. Plaintiff hereby incorporates and realleges paragraphs one (1) through twenty-three (23) hereat as though fully set forth at this place.

25. By reason of the conduct of Defendants and each of them, Plaintiff was deprived of rights, privileges and immunities, secured to him by the Fourth Amendment to the Constitution of the United States and laws enacted thereunder.

26. Plaintiff's arrest and his subsequent incarceration were in violation of his Fourth Amendment Rights in that there was no probable or legal cause for his arrest and subsequent incarceration.

27. The foregoing was unnecessary and unreasonable and was therefore in violation of Plaintiff's Fourth and Fourteenth due process rights. Therefore, the Defendants are liable to Plaintiff pursuant to 42 U.S.C. § 1983.

**COUNT II**  
**PLAINTIFF AGAINST THE INDIVIDUAL DEFENDANTS AND THE CITY OF CHICAGO**  
**FOR MALICIOUS PROSECUTION**

28. Plaintiff hereby incorporates and realleges paragraphs one (1) through twenty-three (23) hereat as though fully set forth at this place.

29. The individual defendants caused and also continued a criminal prosecution of the Plaintiff.

30. The underlying criminal charges terminated in Plaintiff's favor in that the charges were dismissed on or about on May 15, 2019.

31. The individual defendants acted with malice in doing the acts described above.

32. Plaintiff was damaged as a result of being maliciously prosecuted as he suffered a loss of liberty, other special damages, and suffered emotional distress in a sum to be ascertained.

33. The City of Chicago is liable to Plaintiff under the concept of *respondeat superior*.

34. As a result of the foregoing, all defendants are liable to the Plaintiff for malicious prosecution.

WHEREFORE, the Plaintiff, by and through his attorneys, ED FOX & ASSOCIATES, requests judgment as follows against the Defendants, and each of them:

1. That all Defendants and each of them and other unnamed and unknown Defendants be required to pay Plaintiff's general damages, including emotional distress, in a sum to be ascertained;
2. That these same Defendants be required to pay Plaintiff's special damages;
3. That these same Defendants other than the City of Chicago be required to pay Plaintiff's attorneys fees pursuant to Section 1988 of Title 42 of the United States Code, the Equal Access to Justice Act or any other applicable provision;
4. That the individual Defendants and each of them and other unnamed and unknown Defendants other than the City of Chicago and Cook County be required to pay punitive and exemplary damages in a sum to be ascertained;
5. That the Defendants be required to pay Plaintiff's costs of the suit herein incurred; and
6. That Plaintiff have such other and further relief as this Court may deem just and proper.

BY: s/ Edward M. Fox  
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**PLAINTIFF HEREBY REQUESTS A TRIAL BY JURY**

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